

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

*In re Dealer Management Systems Antitrust
Litigation, MDL 2817*

This document relates to:

*Authenticom, Inc. v. CDK Global, LLC et al.,
Case No. 1:18-CV-00868 (N.D. Ill.)*

No. 1:18-CV-864

Hon. Robert M. Dow, Jr.

Magistrate Judge Jeffrey T. Gilbert

**DEFENDANTS CDK GLOBAL, LLC AND THE REYNOLDS AND REYNOLDS
COMPANY'S MOTION FOR SUMMARY JUDGMENT**

Defendants CDK Global, LLC (“CDK”) and The Reynolds and Reynolds Company (“Reynolds”) hereby move pursuant to Fed. R. Civ. P. 56(a) and Local Rule 56.1 for summary judgment on all of Plaintiff’s claims in this matter as set forth in its Complaint (Case No. 18-cv-00868, Dkt. 1). In support of their Motion, Defendants submit:

1. Defendants CDK Global, LLC’s and The Reynolds and Reynolds Company’s Memorandum in Support of Motion for Summary Judgment (filed under seal);
2. Defendants CDK Global, LLC and The Reynolds and Reynolds Company’s Joint Statement of Common Undisputed Material Facts in Support of Their Motions for Summary Judgment (filed under seal) (“Joint Statement”);
3. The Reynolds and Reynolds Company’s Statement of Undisputed Material Facts in Support of its Motion for Partial Summary Judgment and Exhibits 1-108 thereto (previously filed at Dkt. 779, 780, 782, 783) (filed under seal), which Defendants have incorporated by reference into the Joint Statement; and
4. Declaration of Daniel T. Fenske with accompanying Exhibits (filed under seal).

As demonstrated in the foregoing, there is no genuine dispute as to any material fact and Defendants are entitled to judgment as a matter of law. Among other grounds, CDK and Reynolds respectfully request summary judgment because Authenticom, a hostile integrator, cannot offer evidence tending to rule out the possibility that Defendants were acting independently when they decided, years apart, to secure their computer systems against hostile access by Authenticom and others. *See Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 588 (1986). Summary judgment is warranted on Authenticom's non-conspiracy claims as well.

WHEREFORE, Defendants respectfully request that the Court enter an Order granting summary judgment in Defendants' favor on all of Plaintiff's claims in this matter.

Dated: May 20, 2020

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Britt M. Miller, an attorney, hereby certify that on May 20, 2020, I caused a true and correct copy of the foregoing **DEFENDANTS CDK GLOBAL, LLC AND THE REYNOLDS AND REYNOLDS COMPANY'S MOTION FOR SUMMARY JUDGMENT** to be filed and served electronically via the court's CM/ECF system. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's CM/ECF System.

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